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In re Application of : DECISION ON SECOND
Mark Moebus :
Application No.: 09/890,511 :
PCT No.: PCT/EP00/01359 : RENEWED PETITION
Int. Filing Date: 18 February 2000 :
Priority Date: 27 December 1999 : UNDER 37 CFR 1.181
Attorney's Docket No.: 0412-101P :
For: PANEL WITH SLIP-ON PROFILE :

This decision is responsive to applicants' "Renewed (Second) Petition Under 37 CFR 1.181- Second Supplement" faxed on 07 May 2003 requesting that the Notification of Abandonment mailed 29 May 2002, be withdrawn because the Notification of Missing Requirements was never received.

BACKGROUND

In a decision from this Office on 30 April 2003, the petition faxed on 29 April 2003 was dismissed. The decision indicated that petitioner had not complied with the requirements set forth in section 711.03(c) because neither a copy of the docket showing the replies docketed for a date of one month from the mail date of the non-received Office action nor the docket entries of October 1, 2001 until November 14, 2001 had been submitted.

On 07 May 2003 petitioner submitted a second renewed petition under 37 CFR 1.181.

DISCUSSION

A review of the second renewed petition reveals that petitioner has now complied with the requirements set forth in section 711.03(c), which requires a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed and a tickler sheet for 14 November 2001.

Petitioner has submitted docket entries for the three month period September 2001 through November 2001, as logged into their system, when the document in question would have been expected to have been received and entered in their system. Petitioner asserts that there is no transaction for a September 14, 2001 date with a call-up date of November 14, 2001 for this application in their system.

Accordingly, petitioner has met the requirements under MPEP section 711.03(c) to establish nonreceipt of an Office action, and the withdrawal of abandonment of the above captioned- application at this time is appropriate.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF ABANDONMENT, mailed 29 May 2002 has been
VACATED.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for the remailing of the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) previously mailed on 14 September 2001, and setting a new two-month extendable period for reply to the communication.



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